

Standard USHC-2: The student will demonstrate an understanding of the establishment of the United States as a new nation.

USHC-2.5 Analyze underlying political philosophies, fundamental principals, and the purpose of the United States Constitution and the Bill of Rights, including the ideas behind separation of powers and the system of checks and balances and the influence of the Magna Carta, the English Bill of Right, and the colonial charters. (P, H)

Taxonomy Level: B 4 Analysis/Conceptual Knowledge

Previous/future knowledge

In 4th grade, students explained the role of the Bill of Rights in the ratification of the Constitution, including how the Constitution serves to guarantee the rights of the individual and protect the common good yet also to limit the powers of the government (4-4.3).

In 8th grade, students summarized events related to the adoption of South Carolina's first constitution, the role of South Carolina and its leaders in the Continental Congress, and the ratification of the United States Constitution, and the importance of issues debated during the Philadelphia Convention for South Carolina (8- 2.4).

In 12th grade, students will summarize differing ideas about the purposes and functions of law, including the "rule of law" and the "rule of man" and the idea that the "rule of law" protects not only individual rights but also the common good. They will also summarize the sources of laws, including nature, social customs, legislatures, religious leaders, and monarchs (USG -1.2). They will also summarize the basic principles of American democracy including popular sovereignty, the rule of law, the balance of power, the separation of powers, limited government, federalism, and representative government as expressed in the Declaration of Independence, the Federalist Papers, the Constitution, and the Bill of Rights (USG-2.1).

It is essential for the students to know:

USHC 2.1 established an understanding that the Constitution was the result of the experiences of Americans in their colonial assemblies and in their relationship to the mother country, to the King and to Parliament. The Constitution was founded on the principles of British government that colonists brought with them as well as their own experiences in the New World. In discussions of the debates among the Framers of the Constitution in USHC 2.4, the ideas of separation of powers and checks and balances were introduced. This indicator provides an opportunity for review and comparison.

The **Magna Carta** established that the people, through their representatives, have the right to be consulted on the levying of taxes. Under the Constitution the right to tax resides with both the state legislatures and the Congress. The House of Representatives was given the exclusive right to initiate tax bills because they more directly represent the people. The Magna Carta also set the precedent that the people have the right to a trial by a jury of their peers and to be protected from the abuse of power by arbitrary authority. Protections listed in the Bill of Rights include protections against unreasonable searches and seizures, right to due process and protection against double jeopardy and self-incrimination, the right to a speedy and public trial, the right to confront witnesses and the right to counsel, protection against excessive bail or fines and cruel and unusual punishment.

The **English Bill of Right** reiterated that the people have the right to be consulted, through their representatives, on the levying of taxes. It established that the power of the king (executive) should be

limited by the Parliament. This is included in the Constitution in the idea that the president is not above the law and can be impeached for violation of his oath to uphold the Constitution or other ‘high crimes and misdemeanors.’ The English Bill of Right states that the people have the right to religious freedom which is included in the First Amendment in the American Bill of Rights

Colonial charters granted colonists the rights of Englishmen which they were preserving in their revolution against the British government. (USHC 2.1) and in the Declaration of Independence (USHC 2.3). These rights were included in the first ten amendments to the United States Constitution, the Bill of Rights.

The Articles of Confederation government was designed to be a weak central government but was not effective (USHC 2.3). The **purpose of the United States Constitution** was to provide a more effective central government while at the same time limiting the power of the government over states and the people (USHC 2.4). The **fundamental principle** of sovereignty is essential to an understanding of the United States Constitution. Under the Articles of Confederation, sovereignty lay with the states. Under the Constitution, the authority to govern derives not from the states but from the people as evidenced by the language “We the People... do ordain and establish this Constitution.” However, the power of the national government is limited. The principle of federalism limits the power of the national government by only delegating it some powers. Other powers are reserved to the states and still other powers are held concurrently by the states and by the nation, while others reside with the people. The principle of separation of powers limits the power of the government by dividing governing powers among the legislative, executive and judicial branches of the government. The principle of checks and balances ensures that no one branch becomes too powerful and includes the veto and the override, judicial review, power to confirm nominations and treaties and the power to impeach. The **purpose of the Bill of Rights** was to limit the power of the national government by recognizing the rights that belong to the people and are protected from abuse by the government.

It is not essential for the students to know:

It is not necessary for students to know other details of the Constitution such as requirements for holding office. Various processes described in the Constitution such as how a bill becomes a law, the operation of the electoral college and the specific duties of the president are not required by the indicator. Students do not need to know what is in each article of the Constitution. It is also not necessary for students to know all of the specific numbers of the amendments in the Bill of Rights nor do they need to know all of the subsequent amendments.

Assessment guidelines:

Appropriate assessments may require students to be able to **analyze** the Constitution by differentiating between **examples** of federalism, separation of powers or checks and balances. They may require students to **compare** the protections of the Constitution with those in the Magna Carta and the English Bill of Right. Students should also be able to **compare** the Constitution with the Articles of Confederation. Students should be able to **explain** the idea of limited government and how this is **exemplified** in the Constitution. Students may be required to **infer** from a piece of Constitutional text the principle, such as sovereignty, federalism, separation of powers and checks and balances, which is being discussed.